

REMARKS/ARGUMENTS

The Applicant has carefully considered this application in connection with the Examiner's Action and respectfully requests reconsideration of this application in view of the foregoing amendment and the following remarks.

The Applicant originally submitted Claims 1-20 in the application. All claims are resubmitted in their original form. Accordingly, Claims 1-20 are currently pending in the application.

I. Formal Matters and Objections

The Examiner has objected to the specification as containing informalities; namely disclosure of the incorrect date of issue of U.S. Patent 3,961,280. In response, the Applicant has amended paragraph [0008] of the specification to correct this inadvertent error and appreciates the Examiner's diligence in finding and bringing this error to his attention.

II. Rejection of Claims 1, 4, 6, 8, 11 and 13 under 35 U.S.C. §102

The Examiner has rejected independent Claims 1 and 8 and dependent Claims 4, 6, 11 and 13 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent number 3,961,280 to Sampei (Sampei). The Examiner asserts that Sampei teaches "a switching network, coupled to a driver stage, configured to adaptively select a power level to send the signal as a function of the characteristics of the transmission path." The Examiner has misconstrued Sampei's teachings. Sampei teaches a feedforward design to adaptively select the operating regime of an output transistor to maximize the efficiency of the operation of the transistor. (Abstract, and col.3, lns. 36-48) Sampei does not teach

feedback from a transmission path, does not teach determining the characteristics of the transmission path and does not teach using the path characteristics to adaptively select a power level of a line driver output stage to send a signal that is a function of path characteristics. In fact, Sampei shows no interest whatsoever in the transmission path. Accordingly, Sampei fails to anticipate independent Claims 1 and 8 under 35 U.S.C §102(b). Because Claims 4 and 6 depend from Claim 1 and Claims 11 and 13 depend from Claim 8, Sampei also fails to anticipate Claims 4, 6, 11 and 13. Accordingly, the Applicant respectfully requests the Examiner to withdraw the §102(b) rejection.

III. Rejection of Claims 2, 3, 5, 7, 9, 10, 12, 14-20 under 35 U.S.C. §103

The Examiner has rejected Claims 2, 5, 7, 9, 12, 14-16 and 18-20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 3,961,280 to Sampei (Sampei) in view of U.S. Patent 5,872,481 to Sevic et al. (Sevic). Additionally, the Examiner has rejected claims 3, 10 and 17 under 35 U.S.C. §103(a) as being unpatentable over Sampei in view of Sevic, in further view of U.S. Patent 3,755,693 to Lee (Lee).

As discussed above, Sampei fails as an anticipating reference. Sevic does nothing to cure Sampei's deficiencies. While Sevic teaches a type of feedback, output power is what is being fed back, not transmission path characteristics. Sevic does not describe the characteristics of the transmission path. Sevic does not seem to care about the point along the transmission path from which the output power is tapped and fed back. (Fig. 2, node 52). Thus, Sevic must be treating the transmission path as an ideal conductor, because otherwise he would be careful to place the feedback tap close to the transmitter and would say as much in his specification. One skilled in the art would find no clue whatsoever in Sampei, Sevic or a combination of the two to solving the problem of

compensating for transmission path characteristics. Thus, Sampei, alone or in combination with Sevic, fails to teach or suggest all of the elements of the currently claimed invention. Accordingly, the combination of Sampei and Sevic fails to support a *prima facie* case of obviousness.

Further, neither Sampei nor Sevic contains any motivation to combine. Sampei is directed to increasing the efficiency with which audio signals are amplified; Sevic is directed to increasing the linearity of signal amplification over a wide dynamic range in CDMA communications. Sampei provides no motivation to one skilled in the art to look to Sevic's teachings to improve the efficiency of audio signal amplification. Sevic provides no motivation to one skilled in the art to look to Sampei to increase the linearity of signal amplification over a wide dynamic range. The combination of Sampei and Sevic is therefore improper.

With regards to the rejection of Claims 3, 10 and 17, Lee fails to cure the deficiencies of the combination of Sampei and Sevic, as Lee fails to address the characteristics a transmission path might have and therefore fails to teach how such characteristics may be compensated for. Further, Lee's motivation is to prevent saturation in an ECL circuit, an area of art unrelated to Sampei and Sevic. Lee provides no suggestion or motivation to modify Sampei and Sevic, so is not properly combinable.

In view of the foregoing remarks, the Examiner has not established a *prima facie* case of obviousness. The cited references do not support the Examiner's rejection of Claims 2, 5, 7, 9, 12, 14-20 under 35 U.S.C. §103(a). The Applicant respectfully requests the Examiner withdraw the rejection.

IV. Conclusion

In view of the foregoing amendment and remarks, the Applicant now sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 1-20.

The Applicant requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

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¹⁹ *OK/H 7/19/04*
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